

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

For the reasons stated in the accompanying Opinion, it is **ORDERED** as follows:

1. The defendant's motion (ECF No. 138), to the extent that it seeks relief from judgment under Fed. R. Civ. P. 60(b)(6) and 15(c), is DENIED;
2. The Clerk is DIRECTED to redocket the defendant's pro se motion (ECF No. 138) as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
3. The § 2255 motion is hereby DENIED without prejudice as successive;
4. The § 2255 motion is stricken from the active docket of the court; and
5. A Certificate of Appealability is DENIED.

ENTER: February 22, 2012

/s/ James P. Jones  
United States District Judge